

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

DAVID SIDOO, *et al.*,

Defendants

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) No. 19-CR-10080-NMG
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GOVERNMENT’S MOTION FOR A PROTECTIVE ORDER

Pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure, the United States of America, by and through Eric S. Rosen, Justin D. O’Connell, and Leslie A. Wright, Assistant United States Attorneys, hereby respectfully requests a protective order covering documents and information to be disclosed to the defendants in this case. As grounds for this motion, the Government states as follows:

BACKGROUND

As the Court is aware, the above-captioned case arose out of the criminal investigation of a large-scale bribery and fraud ring operated by Rick Singer and others. The investigation focused, in part, on parents of students who paid large bribes through Singer’s organizations, the Edge College & Career Network, LLC and the Key Worldwide Foundation, to: (a) college entrance exam administrators to allow third parties to facilitate cheating on college entrance exams; and/or (b) university athletic coaches and administrators to designate applicants as purported athletic recruits thereby facilitating their admission to various universities. The investigation has resulted

in charges against a large number of defendants in what has been widely publicized as the college admissions case.

The charges are now primarily set forth in two indictments. *See* 19-CR-10081-IT and 19-CR-10080. The Government anticipates providing voluminous discovery to the defendants in both cases. The discovery at issue here is highly sensitive and confidential. In that regard, the Government has collected the following broad categories of information throughout its investigation:

- Wiretap and consensual recordings;
- Financial records obtained from banks and other institutions;
- Academic records from both high schools and colleges;
- E-mails and other electronic evidence obtained through search warrants, wiretap interceptions, and subpoenas;
- Surveillance photographs;
- Legal process, including wiretap orders and search warrant affidavits; and
- Other records obtained through grand jury subpoenas.

REQUEST FOR A PROTECTIVE ORDER

Pursuant to Federal Rule of Criminal Procedure 16(d)(1) and Local Rule 116.6, the United States respectfully requests that this Court issue the attached protective order to ensure that the documents and information (hereinafter, the “discovery materials”) to be disclosed to the defendants will be used solely for the purpose of enabling the defendants to prepare a defense in this case and will not be further disclosed or disseminated.

A protective order is appropriate and needed in this case. Specifically, the disclosure or dissemination of the discovery materials beyond the defendants would reveal personal identification, health, and other sensitive information of witnesses and other third-party

individuals. As noted, the discovery materials include high school records, college entrance exam records (including exam scores), college applications, and medical records (including psychological evaluations) for children of the defendants as well as other third-party individuals. The discovery materials also include personal and financial information of the defendants and third parties, including bank records and tax records. The discovery materials further include information concerning uncharged co-conspirators and targets of the investigation who have not yet been publicly charged. Courts in this district and nationwide have acknowledged the importance of safeguarding personal identification, financial, and health information from unnecessary disclosure. *See, e.g.*, Local Rule 5.3; Fed. R. Crim. P. 49.1.

For the above reasons, the United States respectfully requests that the Court grant this motion and issue the proposed protective order submitted herewith. The United States further requests that once this case is concluded, the Court order the defendants to return or destroy the discovery materials.

Respectfully submitted,

ANDREW E. LELLING
UNITED STATES ATTORNEY

Dated: April 9, 2019

By: /s/ Eric S. Rosen
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants identified on the Notice of Electronic Filing (NEF) and mailed to all those not participating in ECF.

Dated: April 9, 2019

By: /s/ Eric S. Rosen
ERIC S. ROSEN
Assistant United States Attorney